

REMARKS

Upon entry of the present amendment, claims 9-11 will have been amended to more clearly define the invention, while not substantially affecting or narrowing the scope of these claims, and claim 7 will have been amended to recite that the pressure wrap layer eliminates air from between the insulated wires and the aluminum wrap. Applicant respectfully submits that all pending claims are now in condition for allowance.

In the above-referenced Official Action, the Examiner rejected claim 17 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, asserting that the subject matter was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor had possession of the claimed invention. In particular, the Examiner asserted that the specification does not provide support for a pressure wrap layer comprising at least two layers of pressure wrap. However, Applicant respectfully submits that the specification describes pressure wrap 108 being wrapped from the center of a conductor access point to one end of the access point, back through the center to the other end, and back to the center again. *See Specification, p.11, lines 1-5.* The inherent result of this wrapping procedure is two layers of pressure wrap. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. § 112, first paragraph.

The Examiner also rejected claims 9-11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has made minor amendments to these claims, making the 35 U.S.C. § 112, second paragraph rejection moot.

Also in the above-referenced Official Action, the Examiner rejected claims 1 and 20 under 35 U.S.C. § 103(a) as being unpatentable over CUNNINGHAM et al. (U.S. Patent No. 3,717,717) in view of MCLEOD (U.S. Patent No. 5,684,274). The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over CUNNINGHAM et al. Applicant respectfully traverses these rejections, at least for the reasons stated below.

Further, the Examiner rejected claims 2-6 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2 and 5 of the parent patent, EISELE (U.S. Patent No. 6,703,563). The Examiner rejected claims 8-19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of EISELE in view of HANSEN et al. (U.S. Patent No. 5,753,861). Although Applicant disagrees with the Examiner's assertion of double patenting, and further disagrees with the Examiner's analysis of the combination of EISELE and HANSEN et al., Applicant files herewith a terminal disclaimer over EISELE in order to expedite prosecution of this application and allowance of the claims.

In setting forth the rejection under 35 U.S.C. § 103(a), the Examiner relied on CUNNINGHAM et al. to teach a sheet of non-rigid conductive material (36) wrapped over and contacting at least one exposed insulated conductor of a spliced portion of a cable, and a pressure wrap (12) wrapped over the sheet of conductive material (36). However, Fig. 1 shows a shrinkable cable joint consisting of a hollow tube (12) having an inner surface or "semi-conductive shield" (36) and an outer surface or "semi-conductive shield" (30). Accordingly, even assuming that the inner surface (36) of the cable joint in CUNNINGHAM et al. shows a sheet of non-rigid conductive material, CUNNINGHAM et al. clearly do not disclose any "pressure wrap" or "stretch wrap" that

is “wrapped” around the layer of non-rigid conductive material, as claimed in independent claims 1 and 20. In fact, the reference numeral (12), identified by the Examiner as correlating to the claimed pressure wrap, is actually just a hollow space between the inner layer (36) and the outer layer (30) of the hollow tube. Applicant respectfully submits that a hollow space between two semi-conductive layers does not teach or remotely suggest a separate layer of material wrapped around an inner aluminum layer. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection based on CUNNINGHAM et al. with respect to claims 1 and 20.

The Examiner only relied on MCLEOD to teach a rigid enclosure for housing a cable splice. Therefore, MCLEOD does not overcome the deficiencies of the primary reference.

Further, CUNNINGHAM et al. expressly teach shrinking the hollow tube (12) to encase a splice between cables 14 and 16. *See* col. 2, lines 12-24. The result, however, does not eliminate air from surrounding the cables. In fact, CUNNINGHAM et al. expressly admits that air gaps 38, 40, 42 and 44 remain in the shrinkable cable joint. *See* col. 3, lines 22-25. In contrast, according to the embodiment of the present invention recited in amended claim 7, the layer of pressure wrap eliminates air from between the exposed insulated wires and the layer of flexible aluminum wrap. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection based on CUNNINGHAM et al. with respect to claim 7 for this additional reason.

With regard to claims 2-6 and 8-19, Applicant asserts that they are allowable at least because they depend from independent claims 1 and 7, respectively, which Applicant submits have been shown to be allowable.

In view of the herein contained amendments and remarks, Applicant respectfully requests

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reconsideration and withdrawal of previously asserted rejections set forth in the Official Action of May 18, 2004, together with an indication of the allowability of all pending claims, in due course. Such action is respectfully requested and is believed to be appropriate and proper.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attached thereto.

Should the Examiner have any questions concerning this Reply or the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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